

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1755.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED PEACH-FLAVORED CORDIAL.

On May 10, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel for the seizure and condemnation of five barrels, more or less, of a certain liquid purporting to be peach flavored cordial remaining unsold in the original unbroken packages, and in possession of William Ryan, William Cannon, W. J. Collins, Patrick J. Daly, and Daniel Doody, respectively, Washington, D. C., alleging that the product had been shipped on or about May 1, 1912, by the J. A. Leary Co., Newark, N. J., and transported from the State of New Jersey into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Peach Flavored Cordial—A Compound Work of Highest Perfection in Imitation Prepared with 1/10 of 1% Sodium Benzoate—The J. A. Leary Co., Newark, N. J."

Adulteration was alleged in the libel for the reason that the product consisted of syrup which had been artificially flavored with artificial peach flavor, which said syrup so flavored had been substituted in whole or in part for peach cordial. Adulteration was alleged for the further reason that the product had been mixed and flavored by the addition of artificial flavoring matter whereby damage and inferiority had been concealed and in order to imitate peach cordial. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the labels thereon signified and purported that the liquid was a peach flavored cordial, when in truth and in fact it was not a peach

flavored cordial nor entitled to be so called, but an imitation of said cordial, being the solution more fully described above.

On May 17, 1912, the said J. A. Leary Co., claimant, having filed their claim and answer, and consented to a decree, judgment of condemnation and forfeiture was entered, the court finding that the product was misbranded. It was further ordered that upon the filing of bond by said claimant in the sum of \$100, in conformity with section 10 of the Act, the product should be released to the claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 15, 1912.*

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